IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8238 of 1999

For Approval and Signature:

HON'BLE MS. R.M.DOSHIT :

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHETAN NAND KISHOR PANDE

Versus

COMMISSIONER OF POLICE

Appearance:

MR SUNIL C PATEL for Petitioner

MR VM PANCHOLI AGP for Respondent No. 1, 2, 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 11/02/2000

ORAL JUDGEMENT

Heard the learned advocates.

The petitioner herein has been detained by the Commissioner of Police, Surat City, under the order dated 21st June, 1999, made by him under the powers conferred upon him by section (1) of the Gujarat Prevention of Anti Social Activities Act, 1985 (hereinafter referred to as `the Act'). Along with the order of detention, the

petitioner has also been served with the grounds of detention. The grounds of detention suggest that a prohibition offence has been registered against the petitioner. The petitioner is found to be a 'bootlegger' within the meaning of section 2 (b) of the Act, and his activities are found to be prejudicial to the maintenance of public order.

It is contended that the aforesaid offence was registered against the petitioner and two others viz. Vikas Namdev Panchabhai and Nirmalaben Vinodbhai. All the three accused were detained under the Act. The orders of detention made against the aforesaid Vikas Namdev and Nirmalaben Vinodbhai have been quashed and set aside by this court (Coram : Mr.Justice A.K.Trivedi) under the judgments and orders dated 19th January, 2000, passed in Special Civil Applications Nos. 5193/99 and 8243/99 respectively. The aforesaid orders have been made on the ground that the Detaining Authority has failed to apply its mind to the other effective measures before resorting to the drastic measure of preventive detention. Since two of the accused persons have been released, the petitioner also deserves the same treatment.

The petition is allowed. The order of detention dated 21st June, 1999, is quashed and set aside. The petitioner, unless required to be detained in some other cases, be released forthwith. Rule is made absolute. There shall be no order as to costs.

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JOSHI